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No. 38.

The Hilo Tribune.

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cities of the world.

Special attention given to the business
entrusted to us by our friends of the other
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BY DAY, WEEK OR MONTH.
Neat and newly fitted. Centrally and
pleasantly located on

PITMAN STREET
NEAR WAIUANUEUE ST.

Facing on Court House and Hilo Hotel
Parks. A quiet, pleasant retreat.
Terms Reasonable.

C. F. BRADSHAW

Proprietor. 43

NOTICE—Neither the Masters nor
Agent of vessels of the "Matson Line"
will be responsible for any debts con-
tracted by the crew. R. F. GUARD,
Agent.
Hilo, April 16, 1901

LEGAL NOTICES.

To Whom it May Concern.

The undersigned has, this day, been
appointed and has qualified as Adminis-
trator of the Estate of Joao M. Jardine,
deceased. All persons having any ac-
counts against the said Estate are hereby
notified that they must present the same
together with satisfactory vouchers within
six months from the date hereof; other-
wise they will be barred.

(Signed) EVANGELINO DA SILVA,
Administrator.
(Signed) CARL S. SMITH,
Attorney for Administrator.
Hilo, Hawaii, July 6th, 1905. 37-4

Notice to Creditors.

In the Circuit Court of the Fourth Circuit,
Territory of Hawaii.

In the matter of the Estate of BERNADO
DE CAMARA, Sr., deceased.

Notice is hereby given that the under-
signed has been appointed Administrator
of the Estate of Bernado de Cama, Sr.,
deceased, and that all persons having
claims against said estate, whether se-
cured or otherwise, are hereby notified to
present the same to the undersigned at
office of Ridgway & Ridgway, Hilo, Ha-
waii, T. H., duly verified and with proper
vouchers, if any, within six months from
the date of this notice, otherwise said
claims will be forever barred.

JOSE DE CAMARA,
Administrator.
Hilo, July 3, 1905.
RIDGWAY & RIDGWAY,
Attorneys for Estate. 36-4

In the Circuit Court of the Fourth Circuit,
Territory of Hawaii.

IN PROBATE—AT CHAMBERS.

In the matter of the Estate of ANNIE T.
K. PARKER, a minor.

ORDER OF PUBLICATION AND TO
SHOW CAUSE ON GUARDIAN'S
APPLICATION TO SELL REAL
ESTATE.

On reading and filing the petition of
Alfred W. Carter, the Guardian of the
property of Annie T. K. Parker, a minor,
praying for an order of sale of certain
real estate belonging to his said ward,
which said real estate is situated within
the Fourth Judicial Circuit of the Ter-
ritory of Hawaii, and consists of the fol-
lowing described pieces and parcels of
land:

1. Land contained in Grant 3142 to J.
P. Parker in Kaaoiki, Hamakua; area 125
acres.
2. The land in Paauhau, Weha, Ma-
kakauolo, Keahua, and Kalopa, within
the boundaries of the lease of J. P. Par-
ker and S. Parker to W. G. Irwin &
Company, dated July 1st, 1886, of record
in Liber 101, page 175; total area, 1074.50
acres.
3. The lands of Weha, Makakauolo
and Keahua, adjoining the land before
described; area 745.1 acres.
4. One-half interest in the Kalopa
Crown Land held under lease known as
General Lease 101, on file in Public
Lands Office, expiring July 1st, 1916;
area 1005.6 acres.
5. The land in Kalopa described in
L. C. A. 8408 to Kuhoe, 10 acres.

And set forth certain legal reasons why
such real estate should be sold, to-wit,
that it appears that it would be for the
benefit of the said minor that a portion of
her real estate should be sold and the
proceeds thereof should be invested in
some productive stock or other invest-
ment.

It is hereby ordered that the heirs and
next of kin of said ward and all persons
interested in the said estate appear before
this Court on Saturday, the 12th day of
August, A. D. 1905, at 10 o'clock a. m.,
at the Courtroom of this Court in South
Hilo, Island and Territory of Hawaii,
and then and there show cause why an
order should not be granted for the sale
of said estate.

And it is further ordered that a notice
of this order be published for at least
three consecutive weeks before the said
day of hearing, in the Hilo Tribune, a
newspaper published in Hilo, and the
Pacific Commercial Advertiser, a news-
paper published in Honolulu, the last
publication to be not less than ten days
previous to the time therein appointed
for said hearing.

Done at South Hilo, Island and Terri-
tory of Hawaii, July 1st, 1905.

(Signed) CHAS. F. PARSONS,
Judge of the Circuit Court of the Fourth
Circuit.

Attest:

(Signed) A. S. LEBARON GURNEY,
[SEAL] Clerk.

CARL S. SMITH,
Attorney for Petitioner.

July 4, 11, 18, 25, August 1.

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SAN FRANCISCO, CAL., U. S. A.

GOVERNOR CARTER WILL CHANGE HIS MIND

(By Wireless to THE TRIBUNE.)

Honolulu, July 17.—On direct authority from Washington, Governor
Carter will not give up his office. No coolie labor for Hawaii says Sec-
retary Taft. Hon. S. E. Payne, chairman of the Ways and Means
Committee of the House says there is no actual movement to place duty
on coffee.

Honolulu, July 14.—The Taft party including Miss Roosevelt, arriv-
ed at 8 a. m. Received by citizens' committee and military escort.
Were driven to the Pali and other points of interest. Visited Pearl
Harbor by train and lunched at Hawaiian Hotel.

Honolulu, July 14.—Manchuria departed at 6 o'clock p. m. for Ori-
ent, with the Taft party. F. M. Swanzey, president of the Hawaiian
Planters' Association, accompanied the party to the Philippines.

Race Riot In New York.

New York, July 15.—A race riot took place here yesterday which 250
policemen were required to quell. Many shots were fired and many
people were injured.

Will Sell Inter-Island Steamers.

Honolulu, July 15.—C. L. Wright, representing the Inter-Island Trans-
portation Company, left on the Manchuria for Manila and Japan to dis-
pose of the three island steamers for which that company has no further
use.

Germany and Sweden Alliance.

Stockholm, July 13.—King Oscar and Kaiser Wilhelm have held a
conference. It is said an alliance is contemplated.

Potemkin Mutineers Executed.

Kustentzi, July 15.—It is reported that thirty of the Potemkin muti-
neers have been shot.

Odessa, Russia, July 13.—Twenty-four leaders of the disturbances
here have been hanged. Twenty-seven more are slated for the scaffold.
St. Petersburg, Russia, July 12.—Admiral Kruger will be court-mar-
tialed for his incapacity in handling the mutiny among the sailors of the
Black Sea fleet.

[Reports of the mutiny, which occurred while the battleship was at
sea, are difficult to obtain, but it is ascertained that it arose from the
shooting of a sailor who was presenting on behalf of the crew a complaint
against bad food. According to one version, this sailor, whose name
was Omiltchuk, objected to the quality of the "borchtch" or soup, and
was immediately shot down by a mess officer. The crew then rose and
seized the ship and the officers, eight of whom were spared on condition
that they would join the mutineers. The others were killed and thrown
overboard. The Potemkin arrived at Odessa, accompanied by two torpedo
boats, the body of the dead sailor was taken ashore and lay in state, be-
ing visited all day by thousands. A riot followed when the Odessa
police interfered, the rioters setting fire to the docks and water front.
Admiral Kruger and the Mediterranean fleet were ordered to capture the
Potemkin. When he arrived found the vessel cleared for action,
and steaming defiantly up and down before the fleet. Admiral
Kruger gave orders to his squadron to depart for Sebastopol.]

No Forfeiture of Homesteads.

By a decision of Attorney General, just rendered and made public for
the first time through Sub-Land Agent Williams at Hilo, all holders of
right of purchase leases whose rights have not been officially terminated
by the Land Commissioner, are permitted to fulfill the terms of their
leases as though no breach of condition had occurred. In other words,
failure on the part of the Land Office to cancel leases when breach of
condition occurred is a waiver of the right and homesteaders may from
this date fulfill the requirements of their tenure as under a new lease.
The text of the Opinion No. 106 in full, is as follows:

Honolulu, June 28, 1905.

Hon. James W. Pratt, Commissioner of Public Lands:
Dear Sir—In answer to your request for an opinion as to the interpre-
tation of Sections 61, 62 and 64 of the Land Act, where a tenant has
not complied with the terms of subdivision 2 of Section 61 as to resi-
dence, but has later taken up his home upon the premises and lived
there continuously, I would reply as follows:

We call your attention to opinions Nos. 152 and 155 of this office for
the year 1904, giving in general the law applicable to these subjects.
Upon further consideration of the sections of the Land Act referred to
above, I have come to the conclusion that Section 64 provided for a dif-
ferent class of cases from those set forth in Sections 61 and 62.

Section 61 is mandatory. It provides certain conditions which must
be substantially fulfilled. [Especially relating to rental in advance,
maintenance of a home, cultivation of twenty-five acres, and non-assign-
ment of lease.]

Section 62 provides that the violation of any of the conditions shall be
sufficient cause for the Land Commissioner, with the approval of the
Governor, to take possession of the premises. The section gives him an
option whether or not to declare a forfeiture. If he does not declare
such forfeiture and the tenant fulfills the provisions of Section 64, to-wit,
"reduces to cultivation twenty-five per cent. of said premises, and resides
for two years thereon," and substantially performs all the other condi-
tions of Section 62, the Commissioner, not having declared a forfeiture
in the meantime, is estopped, and the tenant is entitled to his land title.

Nothing, however, in this opinion should be construed as interfering
with the absolute right of the Land Commissioner, with the approval of
the Governor, at any time after the breach of any condition contained in
a lease or grant, and set forth in Section 61, to declare a forfeiture up to
the time when the conditions in Section 64 have been absolutely fulfilled.

I have the honor to be, yours respectfully,

(Signed) LORRIN ANDREWS, Attorney-General.

This decision affects practically every homesteader under the right of
purchase plan, nearly every one of whom in one particular or another
have neglected to perform the conditions of their leases. Because of
the failure of former administrations to declare void these leaseholds,
the department has decided to give a chance to homesteaders whose
patents are pending or who attend to apply for patents, to fulfill the con-
ditions. By residence is meant actual and continual residence. Main-
tenance of a home is considered to be the place where a man's family
resides. The maintenance of a house merely is not regarded as a home.

The decision is based upon decisions of the United States Land Office
at Washington, D. C. The squatters at Pahoa village and along the
Kaunama road will be given an opportunity to lease their holdings under
a general lease under the law which permits aliens to hold real estate in
the Territory. If, after survey and a reasonable length of time, they
fail to do so, they will be evicted with the privilege of removing their
buildings.

Recommend Economy in County Government.

The Finance Committee of the Board of Supervisors, consisting of
Supervisors O. T. Shipman, D. K. Makuakane and S. L. Desha, have
submitted an estimate of receipts and expenditures for the six months
ending December 31, 1905, which is as follows:

The records of the Tax Office for the Island of Hawaii (now compris-
ing the County of Hawaii) for the like period from July 1 to December
31, 1904, show as follows:

| | Total. | Road Tax. | Balance. |
|--------------------|--------------|------------|--------------|
| South Hilo | \$101,587.94 | \$2,613.00 | \$ 98,974.94 |
| North Hilo | 12,802.20 | 265.00 | 12,537.20 |
| Puna | 40,442.47 | 912.00 | 39,530.47 |
| Kau | 27,844.04 | 647.00 | 27,197.04 |
| South Kona | 5,420.12 | 513.00 | 4,907.12 |
| North Kona | 8,721.81 | 553.00 | 8,168.81 |
| South Kohala | 5,206.98 | 113.00 | 5,093.98 |
| North Kohala | 18,326.54 | 811.00 | 17,515.54 |
| Hamakua | 47,867.83 | 814.00 | 47,053.83 |

Total.....\$268,069.93 \$7,271.00 \$260,798.93

Net taxes to be divided.....\$260,798.93

Fifty per cent. to Hawaii County.....130,399.46

Less reserve.....60,000.00

Total amount to be paid to Hawaii County between July 1, 1905,
and December 31, 1905.....70,399.46

Payments to be made to the County of Hawaii at the end of each
month, being ten per cent. of \$70,399.46, or \$7,039.94, total
to December 31, 1905.....42,239.44

Balance to be settled between January 1 and 15, 1906.....28,160.02

Your committee further finds that the monthly salaries of the several
officers of the county, as fixed by statute, are as follows:

| | |
|----------------------------------|-----------|
| Seven Supervisors | \$ 350.00 |
| Sheriff | 200.00 |
| Clerk | 100.00 |
| Auditor..... | 166.66 |
| Attorney..... | 200.00 |
| Treasurer..... | 166.66 |
| Deputy Sheriff South Hilo..... | 135.00 |
| Deputy Sheriff North Hilo..... | 60.00 |
| Deputy Sheriff Puna..... | 60.00 |
| Deputy Sheriff Kau..... | 80.00 |
| Deputy Sheriff South Kona..... | 80.00 |
| Deputy Sheriff North Kona..... | 80.00 |
| Deputy Sheriff South Kohala..... | 60.00 |
| Deputy Sheriff North Kohala..... | 80.00 |
| Deputy Sheriff Hamakua..... | 80.00 |

Total.....\$1,898.32

Estimated expense of police monthly.....2,065.00

Total.....\$3,963.32

Total monthly receipts.....\$7,039.94

Salaries and police.....3,963.32

Monthly balance at the disposal of the County for all other pur-
poses.....\$3,076.62

In view of the fact that after paying salaries and police su h a small
balance remains for all other purposes, your committee recommends that
all public expenditures be confined to the smallest limit absolutely neces-
sary to continue the public service efficiently; that no Road Supervisors
be appointed until such time as sufficient funds shall have accumulated
to justify such appointments; that in the mean time the County Super-
visor for each district shall care for such property as may be turned over
by the former Road Board or Road Supervisor in his district; that each
member of the County Board be authorized to make any repairs on roads
in his district that may be absolutely necessary to keep them in passable
condition; that each member ascertain whether or not there are any un-
expended balances of road funds remaining in the hands of former road
officers in his district, and at each regular meeting of the County Board
make a report in writing of all such transactions in his district, and in-
cluding such further information concerning his district as may be deemed
by him useful for the Board of Supervisors.

Your committee deemed it advisable to ascertain the rate of discount
and other conditions, if any, required by the bank for cashing Territorial
warrants, and addressed a communication to the bank requesting such
information, and received the following reply:

Hilo, Hawaii, July 7, 1905.

Mr. O. T. Shipman, Chairman Finance Committee, Board of Super-
visors, County of Hawaii:

Dear Sir—In reply to your request regarding the furnishing of funds
to the county by discounting the warrants received from the Treasurer
of the Territory. This bank will discount the warrants on the same
basis as the Honolulu banks will do for the County of Oahu. We have
written to Honolulu to find out the plan of the banks there and will
report to you later. Yours truly,
C. A. STOBIE, Cashier.

Your committee finds it difficult to obtain any further exact data at
the present time.

Many Die from Heat.

New York, N. Y., July 12.—Ten deaths from heat occurred here today.

A-H. Company Gets Isthmian Contract.

New York, July 14.—The American-Hawaiian Steamship Company
has secured the contract for transport service between the Atlantic and
Pacific until the Isthmian road is completed, one year hence.

Pillagers Murder Officers.

Tiflis, July 4.—A regiment of Russian sappers has murdered all of its
officers and it is rumored that the men have joined the revolutionists.

Stoessel Under Arrest.

St. Petersburg, Russia, July 12.—It is reported that General Stoessel,
who surrendered Port Arthur, has been arrested as a result of the Port
Arthur inquiry.

Triumph for Peace Advocates.

St. Petersburg, Russia, July 14.—The appointment of M. de Witte as
chief of the Russian Peace Commissioners in place of Ambassador Mura-
vieff is considered a triumph for the party advocating a cessation of hos-
tilities with Japan.

Philadelphia, July 12.—Six deaths have resulted from heat prostra-
tions.

New York, July 13.—Thirteen deaths from heat were reported here
yesterday.

New York, July 15.—There were four deaths and twenty-one prostra-
tions from heat yesterday.